



April 3, 2009

Bruce H. Wolfe, Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: City of Antioch Comments on the San Francisco Bay Regional Water Quality Control Board's February 11, 2009 Revised Tentative Order for the Municipal Regional Permit

Dear Mr. Wolfe:

This letter provides the City of Antioch's (City) written comments on the San Francisco Bay Regional Water Quality Control Board (Water Board) staff's February 11, 2009 Revised Tentative Order for the National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP). The City is co-permittee of the Contra Costa Clean Water Program (CCCWP); however, we are under the jurisdiction of the Central Valley Region (Region 5). Historically, Region 5 has required eastern Contra Costa County cities to comply with Region 2 regulations.

We are writing in support of the comment letters submitted by the Contra Costa Clean Water Program (CCCWP) and the Bay Area Stormwater Management Agencies Association (BASMAA) regarding the draft MRP. We acknowledge the effort and work from those two agencies; however, significant corrections are needed to the draft MRP.

1. No Prioritization

As with the previous version of the MRP, this draft permit continues to lack focus and prioritization. It is a shotgun approach at attempting to correct perceived surface water problems at municipalities' expense. This lack of focus and prioritization is exasperated by the number of required pilot and study projects as well as monitoring requirements.

2. Excessive Monitoring Requirements

Section C.8 of the draft MRP will be the most costly to implement because of the excessive and unjustified monitoring requirements. The CCCWP estimate for

compliance with just this section alone is approximately \$6M. Scientific studies and extensive surface water parameters should be conducted and funded at the State level. Some examples include the Surface Water Ambient Monitoring Program (SWAMP), University funded studies, and San Francisco Estuary Institute (SFEI). The financial burden of implementing exploratory requirements should not be placed on municipalities.

3. Excessive Reporting Requirements

The draft MRP requires more than 100 new reports, databases, tabular files, inspections and records. Virtually every page of the permit specifies something the City would have to start maintaining or send to the Regional Board. Is this the true intent of the permit? To have Regional Board staff buried in paper and their time consumed reviewing and providing comments to reports and records?

The City of Antioch, as well as many other municipalities, is at its maximum assessment for storm water funding. Since storm water assessments are subject to Prop 218, no additional funding is immediately available and, quite possibly, may never occur during the permit term of the MRP. Based on current budget estimates, a contribution from the General Fund may be necessary as soon as next Fiscal Year 2009-10 (FY 09-10) just to maintain compliance with *existing* NPDES provisions.

However, the City of Antioch has a more critical financial situation. Huge reductions in property and sales tax revenues have forced the City to take immediate action and slash operational expenses and implement payroll reductions. Those payroll reductions include mandatory furloughs and layoffs of 27 employees just within the last two months. Budget estimates for FY 09-10 are worse. Additional furlough days and possible layoffs are planned for FY 09-10. If tax revenues do not recover, even with those additional cuts, the City anticipates having no available resources at the end of FY 09-10.

The City foresees three (3) possible scenarios if these permit provisions are passed in current form:

- 1) To cover added costs of the MRP, additional reductions in General Fund expenditures will be necessary to meet compliance. Since operational and payroll reductions have already occurred, and are anticipated to continue, those reductions will come from public safety;

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- 2) The City will operate with a fixed storm water budget with no contribution from the General Fund and risk non-compliance; and/or,
- 3) The City maintains current public safety funding levels and provides a contribution from the General Fund to cover added MRP costs. If this occurs, the City will be operating below a prudent level of reserves.

In any case, the MRP is contributing unnecessarily to the financial crisis confronting the City of Antioch and local government throughout the region. The Regional Board is obligated, if not legally than morally, to look at the financial impacts of these provisions.

We will continue to work with the Regional Board and its staff both directly and indirectly, through BASMAA and the CCCWP, to reach a workable solution. We hope the Regional Board will seriously consider our issues and the welfare our City, its employees, and its residents.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Jakel", written over a horizontal line.

Jim Jakel
City Manager

jj:ph